

IN THE HIGH COURT OF JUDICATURE AT PATNA

Second Appeal No.304 of 2008

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Smt.Phuleshwari Devi, wife of Late Jagulal Singh @ Jagulal, resident of Village
Filangi, P.O. + P.S. + Circle Bihia, District Bhojpur

..... Plaintiff Appellant

.... Appellant

Versus

1. Chief Secretary, Govt.of India through the Chief Post Master General, Bihar
Circle, Patna
2. The Chief Post Master General, Bihar Circle, Patna
3. The Account Director General Post Office, Patna
4. The Superintendent Post Office Ara ... Defendants Respondent 1st set
5. Sonarati Devi
6. Bindhyachal Singh
7. Gajendra Singh
8. Surendra Singh

Kalawati Devi, all daughters and sons of Late Jagulal Singh, resident of Village
Filangi, P.O. + P.S. + Circle Bihia, District Bhojpur

..... Defendants Respondent 2nd set

.... Respondents

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Appearance :

For the Appellant/s : Mr. AMAR PRAKASH

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 20-07-2016

Heard learned Counsel for the appellant.

2. The plaintiff is the appellant in this appeal against the judgment and decree of affirmance. The suit was filed by the plaintiff for declaration that the plaintiff was the legally married wife of Late Jagulal Singh, who was an employee in the Postal Department and she was thus heir of Late Jagulal Singh after the death of his first wife.

3. The factual matrix of the case demonstrates that after the death of Late Jagulal Singh his wife Lakhrajo Devi, whose name was mentioned in the service records as his nominee was getting the retiral benefits including the family pension. After the death of said Lakhrajo Devi, the present plaintiff claiming to be the second wife of Late Jagulal Singh has filed the present suit claiming to be entitled as heir of late

Jagulal Singh to the family pension and other retiral benefits. The defendants contested the claim of the plaintiff.

4. Both the courts below gave concurrent finding that the plaintiff could not be entitled to the retrial benefits after the death of Late Jagulal Singh in the capacity of his second wife in view of the fact that his first wife Lakhrajo Devi had been mentioned as his nominee in the service records and she had been receiving the retiral benefits including the family pension till her death. The suit was dismissed and thereafter the appeal has been dismissed by the impugned judgment and decree.

5. After considering the submission on behalf of the appellant and perusal of judgments of both the courts below this Court finds that both the courts below have reached to the conclusion after scrutiny of evidence and the relevant laws in that regard. During the course of submission no perversity or unreasonableness could be established in those finding by the appellant. Even otherwise also this Court finds it unusual that once after the first wife of an employee has received the retiral benefits including the family pension etc., the claim of the second wife in that regard after the death of the first wife is maintainable.

6. Ex consequenti, this Court does not find any substantial question of law arising in this appeal for consideration, which is, accordingly, dismissed.

Snkumar/-

(V. Nath, J.)

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